



City of Westminster

Officer Decision Report

Decision Maker:	Gerald Almeroth, Executive Director of Finance and Resources
Date:	27 November 2024
Classification:	Part Exempt The accompanying Part B report is exempt from disclosure by virtue of paragraph 3 Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of a particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information).
Title:	Embankment Café lease renewal
Wards Affected:	St James
Policy Context:	The decision is commercially based and reflective of the Council's fiduciary duty to the public's finances.
Key Decision:	No
Financial Summary:	The new lease will provide an income stream to the Council within the General Fund in line with the Strategic Asset Management Plan
Report of:	Lucy Townend (Asset Manager)

1. Executive Summary

- 1.1. This report relates to a proposed lease at Embankment Café, Victoria Embankment Gardens (defined in this report as the **Property**).
- 1.2. This report recommends Westminster City Council (the Council) grants an occupational lease renewal of the Property to the tenant.

2. Recommendations

- 2.1. It is recommended that the Executive Director of Finance and Resources approves:
 - 2.1.1. the grant of the lease renewal by the Council on the terms set out in the Exempt Part B of this report;
 - 2.1.2. the Council entering into a rent deposit deed and any other ancillary legal documents, as set out in Exempt Part B of this report.

3. Reasons for Decision

- 3.1. The tenant is holding over under a prior lease of the Property. A new lease is required. The terms for a new lease set out in Exempt Part B are agreed in principle between the Council and the tenant, subject to formal approval and subject to contract. A renewal lease shall generate a further increased rental income from the Property for the Council's purposes.
- 3.2. To progress the grant of a lease and the ancillary documents, a formal decision is required under the Scheme of Officer Delegations in the Council's Constitution.

4. Background

- 4.1. The Council owns the freehold interest of Victoria Embankment Gardens.
- 4.2. Embankment Café is located on the edge of Victoria Embankment Gardens on the northern side of the River Thames between Embankment Underground Station and Waterloo Bridge.
- 4.3. The Property is a garden pavilion with enclosed terrace and an external seating area, accessed by way of a short flight of steps from the terrace.
- 4.4. The existing tenant is holding over on its current lease, and the lease renewal terms have now been agreed in principle.
- 4.5. Further background is set out in the Exempt Part B of this report.

5. Financial Implications

- 5.1. The new lease will result in increase in rental income for the General Fund. Details of this can be found in Part B of the report.

6. Legal and Governance Implications

- 6.1. This report seeks approval to grant a renewal lease and enter into a rent deposit deed and other ancillary documents in the matter. The Council has the appropriate powers under legislation to pursue the proposals.
- 6.2. Under Section 123 of the Local Government Act 1972, local authorities have the power to dispose of property in any manner they wish subject to the disposal being for the best consideration reasonably obtainable. In granting the lease renewal the Council should ensure that the price is for market value, to comply with Section 123 of the Local Government Act 1972.
- 6.3. If a lease is granted with security of tenure under the relevant provisions of Part II of the Landlord and Tenant Act 1954 at the end of the lease the tenant shall have a right to renew the lease.
- 6.4. The Council has a general power of competence under section 1 of the Localism Act 2011; this is the power to do anything an individual can do provided it is not prohibited by other legislation. The Council can enter into the rent deposit deed and other ancillary documents under this power.
- 6.5. The Executive Director of Finance and Resources has delegated authority to take the decision under section 26.3 of the Scheme of Delegations to Officers under Chapter 6 of the Constitution.

7. Climate Impact

- 7.1. There is considered to be no carbon impact to the granting of the lease nor would the proposed letting affect the Council's commitment to becoming a carbon neutral Council by 2030 and a carbon neutral City by 2040.
- 7.2. The Property has a valid EPC with a rating of B.

8. Equalities Implications

- 8.1. The Equality Act 2010 (EA 2010) created a single general public sector equality duty (PSED) under section 149 of the EA 2010. The PSED applies to public authorities exercising public functions. The PSED requires public authorities to have "due regard" to:
 - 8.1.1. The need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the section 149(1)(a) EA 2010.
 - 8.1.2. The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b) EA 2010).
- 8.2. The duty on public authorities to have "due regard" to the PSED in section 149(1) of the EA 2010 is more than simply a requirement to have general

regard. Proper consideration must be given to the PSED and its requirements before decisions are made.

- 8.3. However, there are no perceived impacts on the PSED that arise from the proposals in this report.

9. Consultation

- 9.1. The proposed grant of the lease has support from a Ward Councillor. The Cabinet Member for Finance and Council Reform has been briefed. Westminster Parks and Gardens have been consulted.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

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APPROVED BY

Name and Title	Date sent	Date approved
Lucy Townend, Corporate Property	N/A	N/A
Jane Newcome, Finance	13/11/2024	21/11/2024
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Chloe Smitheringale, DWF	25/11/2024	26/11/2024
Rosamund Cox, Governance	27/11/2024	28/11/2024

APPENDICES

N/A

BACKGROUND PAPERS

N/A

